

REMARKS

Claims 1-40 are currently pending in the subject application and are presently under consideration. Claims 1, 17, 22, 27, and 32 have been amended as shown on pages 2-9 of the Reply.

Applicants' representative thanks the Examiner for the courtesies extended during the telephone interview on November 20, 2007 between Examiner Oanh L Duong and applicants' representative, Himanshu S. Amin. During the interview, the Examiner agreed that the limitation of amended independent claims traversed the cited documents. The Examiner stated that she would conduct the supplementary survey.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 3, 5-7, 10-11, 13-15, 27, 29, 30, 32-34, and 36-40 Under 35 U.S.C. §102(b)

Claims 1, 3, 5-7, 10-11, 13-15, 27, 29, 30, 32-34, and 36-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Moore (WO 02/01836 A2). It is requested that this rejection be withdrawn for at least the following reasons. Moore does not disclose each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed subject matter relates to software server systems, and more specifically, to server architecture that facilitates subscriber tracking and administration. To this end, independent claim 1 as amended (and similarly amended independent claims 17, 22, 27, and 32) recites a rules component that processes one or more rules in accordance with the subscription service of a subscriber, the one or more rules comprising *a rule that automatically provides a license to a client, and prevents*

anonymous rotation of more clients than are authorized by the number dictated by the license; and a services component that uses the one or more rules to automatically enforce the subscription service, in part, according to the number of concurrently connected clients of the subscriber. Moore fails to disclose such claimed aspects.

Moore relates to the field of communication systems, and more particularly, to communication systems that provide communication services to mobile devices. Moore discloses a communication system that provides access to communication services used by a plurality mobile devices over one or more wireless asynchronous connectionless link comprising a host processor, a link manager, and an access queue. The host processor issues commands that grant and terminate service access to each of the mobile devices in the group of mobile devices in accordance with a predefined access. When one of the mobile devices in the group of mobile devices requests service access, the request is granted based on a priority assigned to a response to the requested service. However, Moore is silent regarding *a rule that prevents anonymous rotation of more clients than are authorized by the number dictated by the license*. Applicants' claimed system provides a mechanism for ensuring that *a subscriber is prevented from adding an unlimited number of clients or rotating clients in and out of the pool to effectively maintain service on a set of computers to which the subscriber is entitled*. Applicants' claimed system provides a license to a client, and prevents anonymous rotation of more clients than are authorized by the number dictated by the license as recited in independent claim 1.

On the contrary, Moore merely recites granting and terminating service access based on a predefined access policy that defines the criteria for terminating and resuming an on going service. There is no mention of *preventing anonymous rotation of more clients than are authorized by the number dictated by the license* as recited in independent claim 1.

In view of at least the foregoing, it is readily apparent that Moore fails to disclose each and every element of the invention as recited in independent claims 1, 17, 22, 27, and 32; thus, rejection of these claims as well as claims 3, 5-7, 10-11, 13-15, 29, 30, 33-34, and 36-40, which respectively depend there from should be withdrawn.

II. Rejection of Claims 2, 9, and 28 Under 35 U.S.C. §103(a)

Claims 2, 9, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (WO 02/01836 A2) in view of Scoredos *et al.* (US 2004/0250127 A1). It is requested that this rejection be withdrawn for at least the following reasons. Moore and Scoredos, *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

On page 5 of the Office Action dated September 13, 2007, Scoredos *et al.* was cited by the Examiner as disclosing a churn parameter and a frequency parameter. Scoredos *et al.* relates to a method of controlling connections from an IP entity to a server. The system in Scoredos *et al.* facilitates automatic enforcement of the subscription service according to at least one of a churn parameter and a frequency parameter. Scoredos *et al.* uses ‘keep-limit’ rules to restrict concurrent connection requests from specific clients or groups of clients to a pre-configured limit. However, the system in Scoredos *et al.* merely recites a pre-configured limit but fails to teach or suggest ***setting a specified period of time*** after the pre-configured limit is reached. Merely restricting concurrent connection requests recited in Scoredos *et al.* does not help to ***prevent anonymous rotation of more clients than are authorized by the number dictated by the license*** as recited in independent claim 1 and 27.

On the contrary, after a last churned client enters service, the server recited in the subject claims sets a specified time period. The server does not allow a new client to be admitted into service ***until the specified period of time has elapsed***. After the specific time period has elapsed, the server then decides whether the server should admit the new client into service. The server automatically denies access to all new clients seeking access to the service during such a specified period. ***By setting a specified period of time*** after the last churned client enters service, the system recited by the subject claims ***prevents anonymous rotation of more clients than are authorized by the number dictated by the license***. Scoredos *et al.* fails to teach this aspect of the claimed subject matter. Therefore, Scoredos *et al.* does not cure the deficiencies of Moore with respect to independent claims 1 and 27, from which claims 2, 9, and 28 depend. Accordingly, this rejection should be withdrawn.

III. Rejection of Claims 4, 31, and 35 Under 35 U.S.C. §103(a)

Claims 4, 31, and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (WO 02/01836 A2) in view of Chakraborty *et al.* (US 2004/0054791 A1). It is requested that this rejection be withdrawn for at least the following reasons. Moore and Chakraborty *et al.*, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Chakraborty, *et al.*, does not make up for the aforementioned deficiencies of Moore with respect to independent claims 1, 27, and 32, from which claims 4, 31, and 35 depend. Accordingly, this rejection should be withdrawn.

IV. Rejection of Claims 8, and 17-19 Under 35 U.S.C. §103(a)

Claims 8, and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (WO 02/01836 A2) in view of Kitamura *et al.* (US 2002/0010630 A1). It is requested that this rejection be withdrawn for at least the following reasons. Moore and Kitamura *et al.*, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Kitamura *et al.*, does not make up for the aforementioned deficiencies of Moore with respect to independent claim 1 and 17, from which claims 8 and 18-19 depend. Accordingly, this rejection should be withdrawn.

V. Rejection of Claims 12 and 16 Under 35 U.S.C. §103(a)

Claims 12 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moor (WO 02/01836 A2) in view of Zhao (US 6,035,404). It is requested that this rejection be withdrawn for at least the following reasons. Moore and Zhao, individually or in combination, do not teach or suggest each or every element set forth in the subject claims.

On page 9 of the Office Action dated September 13, 2007, the Examiner asserts that Zhao teaches a rule that limits an amount of churn per a specified time interval. Zhao relates to online computer systems and, more specifically, to access control of concurrent or multiple users using the same account or master ID number. Zhao provides an access control system which determines if additional concurrent users' logins are

permitted, when a user has logged out, and when a user can login if all the available login slots are concurrently being used.

When the maximum concurrent user number is reached, a login manager in Zhao can set mandatory time out times for the earliest started session having the same internal user ID. When those times are reached, the session is removed from a state look up table. Depending on the number of login attempts and a priority rule, a first session, which is established after a user logs in, is limited to a time out period, whereas a second session is not provided a time-out time. The more the users attempt to log in, the more sessions are set to be limited to a time out period in order to make room for the new users.

The control system in Zhao is therefore different from that in the claimed subject matter. When more than the permitted numbers of user are trying to use the system at the same time, the login manger in Zhao selects one or more of the existing concurrent users and sets mandatory time out times for the one or more of the existing concurrent users to make the room for the new users. The system in Zhao sets *mandatory time out times for the existing concurrent clients* to log off the existing concurrent users and replace these existing concurrent users with new users. In fact, *mandatory time out times* recited in Zhao is used to accelerate removal of the existing concurrent users quickly and cycle more users in and out of the pool so that the system in Zhao virtually helps anonymous rotation of more clients than are authorized by the number dictated by the license.

On the contrary, as described *supra*, after the last churned client entered service, the server recited in the claimed subject matter does not allow the new clients to be admitted into service ***until a specified period of time has elapsed***. The server automatically denies additional requests from new clients seeking access to the service during such a specified period whereby the system described in the claimed subject matter ***prevents anonymous rotation of more clients than are authorized by the number dictated by the license***. Since the purpose of setting mandatory time out in Zhao is to allow the new users to use the system and cycle more clients in and out of the pool, Zhao does not teach or suggest each and every element as recited in claim 1. Therefore, Zhao, does not make up for the aforementioned deficiencies of Moore with respect to independent claim 1, from which claims 12 and 16 depend. Accordingly, this rejection should be withdrawn.

VI. Rejection of Claim 20 Under 35 U.S.C. §103(a)

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (WO 02/01836 A2) in view of Kitamura *et al.* (US 2002/0010630 A1) and Zhao (US 6,035,404). Moore, Kitamura *et al.*, and Zhao, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Zhao, does not make up for the aforementioned deficiencies of Moore and Kitamura *et al.* with respect to independent claim 17, from which claim 20 depends. Accordingly, this rejection should be withdrawn.

VII. Rejection of Claim 21 Under 35 U.S.C. §103(a)

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Moor (WO 02/01836 A2) in view of Kitamura *et al.* (US 2002/0010630 A1) and Birk *et al.* (US 2005/0154887 A1). It is requested that this rejection be withdrawn for at least the following reasons. Moore, Kitamura *et al.*, and Birk *et al.*, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Birk, *et al.*, does not make up for the aforementioned deficiencies of Moore and Kitamura *et al.* with respect to independent claim 17, from which claim 21 depends. Accordingly, this rejection should be withdrawn.

VIII. Rejection of Claims 22 and 23 Under 35 U.S.C. §103(a)

Claims 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhao (US 6,035,404) in view of Scoredos *et al.* (US 2004/0250127 A1). It is requested that this rejection be withdrawn for at least the following reasons. Zhao and Scoredos, *et al.*, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Scoredos, *et al.*, does not make up for the aforementioned deficiencies of Zhao with respect to amended independent claim 22, from which claim 23 depends. Accordingly, this rejection should be withdrawn.

IX. Rejection of Claims 24-26 Under 35 U.S.C. §103(a)

Claims 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhao (US 6,035,404) in view of Scoredos *et al.* (US 2004/0250127 A1) and Kitamura *et al.*, (US 2002/0010630 A1). It is requested that this rejection be withdrawn for at least the following reasons. Zhao, Scoredos *et al.*, and Kitamura *et al.*, individually or in combination, do not teach or suggest each or every element set forth in the subject claims. In particular, Kitamura *et al.*, does not make up for the aforementioned deficiencies of Zhao and Scoredos *et al.* with respect to independent claim 22, from which claims 24-26 depend. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP589US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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